

**Remarks**

Claims 1-4 and 6-7 stand rejected under 35 U.S.C. §102(e) over U. S. Patent No. 6,565,005 to Wilz, Sr., et al. ("Wilz"). Claim 5 stands rejected under 35 U.S.C. §103(a) over the combination of Official Notice that it would be obvious to modify the claimed invention in accordance with claim 5. Claims 22-24 presented on April 25, 2005 were filed before the Applicants learned of the existence of the April 21, 2005 Office Action, and were not examined.

In order to expedite an allowance and reduce issues for consideration Applicants cancel claims 1-7 and 22-24 and add new claims 25-45 directed to new subject matter related to the subject matter of the original claims and which subject matter could have reasonably been expected to have been claimed. The cancellation of claims 1-7 will not be taken as an indication that the Applicants regard the rejections of claims 1-7 to be properly made, nor will the cancellation be regarded as an indication that the Applicants have completed an investigation and have concluded that the reference relied upon cannot be removed as a reference.

Regarding exemplary deficiencies of the rejections of claims 1-7, it is noted with regard to claim 5, that claim 5 is rejected utilizing Official Notice. Assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *MPEP §2144.03*. It is noted further that while the Examiner relies on Official Notice to attempt to establish a known use of two dimensional bar code symbols, the Examiner does not allege the use in the combination specifically recited by the Applicants is well known. Regarding claim 6, the Examiner fails to establish where in Wilz there is taught or suggested displaying at least one bar code symbol.

Regarding new claims 25, 32, 38, and 42, new claims 25, 32, 38, and 42, are believed to be allowable in that they recite combinations of elements that are not shown or suggested

in the prior art. Regarding claim 25, the prior art fails to teach or suggest the combination of: “(a) providing programming data for programming said first hand held bar code reader at said host processor; (b) encoding with use of said host processor at least one bar code symbol, said at least one bar code symbol being encoded such that when said at least one bar code symbol is read by said second hand held bar code reader, said programming data provided at said host processor is loaded into said memory of said second hand held bar code reader; (c) outputting said at least one bar code symbol encoded at step (b), wherein said outputting includes the step of displaying a bar code symbol on a computer display; and (d) reading using said first hand held bar code reader said at least one bar code symbol output at step (c) so that said first hand held bar code reader is reprogrammed.”

Regarding claim 32, the prior art fails to teach or suggest the combination of: “a first bar code reading device having an imaging assembly and a housing adapted to be grasped by a human hand, said imaging assembly being supporting within said housing; a second bar code reading device also having an imaging assembly and a housing adapted to be grasped by a human hand; a host processor spaced apart from said first bar code reading device and said second bar code reading device and having a printer adapted to print bar code symbols, said system being configured to encode data into a bar code symbol format that is decodable with use of said second bar code reading device; and wherein said first hand held bar code reading device is configured so that in response to a user-input command input using said first bar code reading device and initiated by depressing an actuator of said first bar code reading device, said first hand held bar code reading device causes said printer to print a reprogramming bar code symbol that contains all information necessary to cause said second bar code reading device to operate in the same manner as said first bar code reading device.”

Regarding claim 38, the prior art fails to teach or suggest the combination of: “providing a first bar code reading device including a first imaging assembly and a first housing adapted to be grasped by a human hand, said first imaging assembly being supporting within said first housing; further providing a second bar code reading device including a second imaging assembly and a second housing adapted to be grasped by a

human hand, said second imaging assembly being supporting within said second housing; and initiating by depressing an actuator of said first bar code reading device a command that causes said printer to print a reprogramming bar code symbol that contains all information necessary to cause said second bar code reading device to operate in the same manner as said first bar code reading device.”

Regarding claim 42, the prior art fails to teach or suggest the combination of: “an imaging assembly comprising a two dimensional solid state image sensor and an imaging lens focusing an image of a target onto said two dimensional image sensor; a housing adapted to be grasped by a human hand, said imaging assembly being supported within said housing; a memory for storing image data; a trigger, wherein said reprogrammable bar code reading device is configured so that actuation of said trigger causes image data to be stored into said memory; and reprogramming circuitry incorporated into said bar code reading device enabling said bar code reading device to be reprogrammed either by receipt of programming data over said radiofrequency communication link or by processing of memory stored image data stored in said memory, wherein said memory stored image data is representative of a programming symbol encoded to cause reprogramming of said bar code reading device when decoded by said bar code reading device.”

Accordingly, in view of the above amendments and remarks, Applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with Applicants’ attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants’ representative at the phone number listed below.

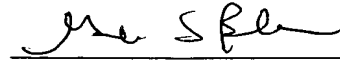
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

U. S. Patent Application No.: 10/802,539  
Amendment Dated September 21, 2005  
Reply to Office Action of April 21, 2005

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: September 21, 2005



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